THE HONOURABLE SMT JUSTICE T. MEENA KUMARI
AND
THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

W.P.No. 20870 of 2007

ORAL ORDER:
(Per T. Meena Kumari, J)

The Writ Petition is filed against the orders passed by the learned A.P. Administrative Tribunal in O.A. No. 209 of 2007 dated 3.9.2007

Brief facts of the Writ Petition are that:

Before the learned A.P. Administrative Tribunal the petitioner herein has filed O.A.No. 209 of 2007 for quashing the proceedings Rc.NO. a1/13/2005, dated 31.3.2005 issued by the 1st respondent as confirmed by the 2nd respondent in Proc.CR.No. 10900/06/L.3, dated 23.11.2006. After hearing both the parties, the learned tribunal has dismissed the said O.A. Challenging the judgment of the learned tribunal, the present Writ Petition has been filed to quash the said judgment.

It has been contended by the learned counsel for the petitioner that even though an explanation dated 19.4.2005 was submitted by the petitioner, the 1st respondent has issued another orders dated 31.3.2005 directing the petitioner to submit his explanation within 10 days from the date of the receipt of the memo.

According to the petitioner, it was received by the petitioner on 21.3.2005. But, however, without waiting for his explanation, final orders of stoppage of two increments have been awarded to the petitioners. Having not given opportunity to the petitioner to file explanation to the reminder, final orders passed without giving an opportunity to the petitioner to file his explanation.

In view of the facts and circumstances of the case, the action of the respondent in passing impugned orders are violation of principles of natural justice. Hence, the order are liable to be set aside.

Accordingly, the Writ Petition is allowed. But, however, it is made clear that the petitioner shall submit his fresh explanation within a period of two weeks from the date of receipt of a copy of this order and on such filing of the explanation, the official respondents shall pass appropriate orders within a period of three weeks thereafter in accordance with law.

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T. MEENA KUMARI, J

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G. CHANDRAIAH, J

4.10.2007

CHV